CLERK'S COPY.

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1919.

No. 114

LAWRENCE AMOS, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES OF AMERICA.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF SOUTH CAROLINA.

FILED MAY 21, 1919.

(27,142)

(27,142)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1919.

No. 388.

LAWRENCE AMOS, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES OF AMERICA.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRCT OF SOUTH CAROLINA.

INDEX.

	Original.	Print.
Petition for writ of error	1	1
Assignment of errors	2	2
Writ of error	5	3
Citation	7	4
Caption	9	5
Indictment	11	5
Plea	13	8
Trial commenced	14	8
Trial continued	14	8
Trial concluded	15	9
Verdict	15	9
Sentence	15	9
Bill of exceptions	16	10
Petition for return of property	16	10
Testimony of P. J. Coleman	18	11
Testimony of C. A. Rector	19	12
Judge's certificate to bill of exceptions	20	12
Assignment of errors	21	13
Stipulation as to record	23	14
Memorandum	24	14
Clerk's certificate	24	15

Judd & Detweiler (Inc.), Printers, Washington, D. C., November 1, 1919.

1 In the District Court of the United States for the Eastern District of South Carolina, March Term, 1919, Florence, South Carolina.

LAWRENCE AMOS, Plaintiff in Error,

vs.

THE UNITED STATES OF AMERICA, Defendant in Error.

Petition for Writ of Error.

To the Honorable H. A. M. Smith, Judge of said Court:

The Petition of the undersigned respectfully shows unto the Court:

That the Plaintiff in Error was placed upon trial at a regular term of said Court on the 8th day of March, 1919, under an indictment charging him with violation of Sections 3258, 3281, 3279 and 3296, Revised Statutes.

That the jury found the defendant not guilty on the first, second, third and fourth counts, and guilty on the fifth and sixth counts.

That the Plaintiff in Error hereby applies to this Honorable Court for a Writ of Error to the Supreme Court of the United States upon the Assignment of Errors hereto attached as a part hereof.

Wherefore: The plaintiff in Error prays that this Court grant a Writ of Error to the Supreme Court of the United States for the purpose of appealing and deciding the questions raised by the Assignment of Errors.

And your Petitioner will ever pray, etc.

LAWRENCE AMOS,
By LEE & MOISE,
As Attorneys.

Writ of error allowed 18 March, 1919.

HENRY A. M. SMITH,
U. S. Dist. Judge.

2 In the District Court of the United States for the Eastern District of South Carolina, March Term, 1919, Florence, South Carolina.

LAWRENCE AMOS, Plaintiff in Error,

vs.

THE UNITED STATES OF AMERICA, Defendant in Error.

Assignment of Errors.

It is respectfully submitted:

1. That his Honor erred in refusing to grant the Petition of the Plaintiff in Error to return private property unlawfully seized when said Petition was presented to the Court after the jury was sworn, but before any testimony was offered on the part of the Government, and when it appeared from the records of said Court in said case that the property so seized had been obtained by Revenue Officers of the Government during the search of the plaintiff's home and buildings within his curtilage, during the absence of the defendant, without having in their possession a search warrant describing the places to be searched and the property to be searched for; it being respectfully submitted that such procedure on the part of the officers of the Government was in violation of the rights of the Plaintiff in Error as guaranteed to him by the Fourth and Fifth Amendments of the Constitution of the United States, and in violation of Sections Sixteen and Seventeen of Article One of the Constitution of the State of South Carolina; it being respectfully submitted that said Petition was presented to the Court within time.

2. That his Honor erred in admitting the testimony of the witnesses for the Government, to-wit: P. J. Coleman and C. A. Rector, over the objection of the Plaintiff in Error when it appeared that their testimony was obtained by them in a search of the home and buildings within the curtilage of the Plaintiff in Error during
3 his absence, and without a search warrant or other authority, describing the places to be searched and the property to be searched for; it being respectfully submitted that such testimony was in violation of the rights of the Plaintiff in Error guaranteed to him by the Fourth and Fifth Amendments of the Constitution of the United States and by Sections Sixteen and Seventeen Article One of the Constitution of the State of South Carolina.

3. That his Honor erred in refusing the motion of the Plaintiff in Error to strike from the record of the case the testimony of the witnesses for the Government, to-wit: P. J. Coleman and C. A. Rector, after they had testified on cross-examination that the testimony offered by them, relating to parts of a still, mash, and spent beer and three bottles of contraband or blockade whiskey was property and evidence obtained by them in a search of the home of the Plain-

tiff in Error, and of the outbuildings within his curtilage, during his absence, without a Search Warrant, or other authority, describing the place or places to be searched and the property to be searched for; it being respectfully submitted that such testimony was inadmissible and in violation of the rights of the Plaintiff in Error guaranteed to him by the Fourth and Fifth Amendments to the Constitution of the United States and of sections Sixteen and Seventeen, Article One, of the Constitution of the State of South Carolina.

LEE & MOISE,
Attorneys for the Plaintiff in Error.

4 [Endorsed:] In the District Court of the U. S. for the Eastern District of the State of South Carolina. Lawrence Amos, Plaintiff in Error, vs. The United States of America, Defendant in Error. Petition for Writ of Error and Assignment of Errors. Filed March 18, 1919. Richard W. Hutson, Clerk U. S. Dist. Ct., S. C. Lee & Moise, 120-122 North Main Street, Sumter, S. C.

5 UNITED STATES OF AMERICA, *ss:*

The President of the United States to the Honorable the Judge of the District Court of the United States for the Eastern District of South Carolina, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said District Court, before you or some of you, between The United States of America, Plaintiffs, against Lawrence Amos, Defendant, a manifest error has happened, to the great damage of the said Defendant, Lawrence Amos, as by his complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same in the said Supreme Court of the United States at Washington, within forty days from the date hereof, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States should be done.

Witness The Honorable Edward D. White, Chief Justice of the United States, this eighteenth day of March, in the year of our Lord one thousand nine hundred and nineteen.

[Seal United States District Court, Eastern District So. Ca.]

RICHARD W. HUTSON,
Clerk of the District Court of the United States for the Eastern District of South Carolina.

Allowed by:
HENRY A. M. SMITH,
United States District Judge,
Eastern District South Carolina.

6 [Endorsed:] No. Roll —. United States of America, Eastern District of South Carolina, in the District Court. Lawrence Amos, Plaintiff in Error, against The United States, Defendant in Error. Writ of Error. —— ——, Solicitor. Entered on Journal, Page —. Filed 18 day of March, 1919. Rich. W. Hutson, C. D. C. U. S. E. Dist. S. C.

7 UNITED STATES OF AMERICA, ss:

The President of the United States to the United States of America, Greeting:

You are hereby cited and admonished to be and appear at the United States Supreme Court, to be holden at Washingtin, on the 22nd day of April, next, pursuant to a writ of error filed in the Clerk's Office of the District Court of the United States for the Eastern District of South Carolina, wherein Lawrence Amos, is plaintiff in error and you are defendant in error, to show cause, if any there be, why the Judgment rendered against the said plaintiff in error, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable Henry A. M. Smith, Judge of the District Court of the United States for the Eastern District of South Carolina, this eighteenth day of March, in the year of our Lord one thousand nine hundred and nineteen.

HENRY A. M. SMITH,
United States District Judge for
Eastern District of South Carolina.

8 [Endorsed:] No. Roll —. United States of America, Eastern District of South Carolina, in the District Court. Lawrence Amos, Plaintiff in Error, against The United States, Defendant in Error. Citation. —— ——, Solicitor. Entered on Journal, Page —. Filed 18 day of March, 1919. Rich. W. Hutson, C. D. C. U. S. E. Dist. S. C.

9 *Transcript of Record.*

Supreme Court of the United States.

No. —.

LAWRENCE AMOS, Plaintiff in Error,

versus

THE UNITED STATES OF AMERICA, Defendant in Error.

ERROR to the District Court of the United States for the Eastern District of South Carolina, at Charleston.

10 TRANSCRIPT OF RECORD.

Caption.

THE UNITED STATES OF AMERICA,
Eastern District of South Carolina, To wit:

In the District Court.

At a District Court of the United States for the Eastern District of South Carolina, begun and holden at the Courthouse, in the City of Florence, S. C., on the first Tuesday of March, being the fourth day of the same month, in the year of our Lord one thousand nine hundred and nineteen.

Present: The Honorable Henry A. M. Smith, United States Judge for the Eastern District of South Carolina.

Among others were the following proceedings, to wit:

11 *Indictment.*

Filed March 4th, 1919.

THE UNITED STATES OF AMERICA,
Eastern District of South Carolina:

In the District Court.

First Count, Sec. 3258, R. S. U. S.

At a stated Term of the District Court of the United States for the Eastern District of South Carolina, begun and holden at Florence within and for the District aforesaid, on the First Tuesday of March, in the year of our Lord one thousand nine hundred and nineteen, the Grand Jurors of the United States of America, within

and for the District aforesaid, upon their oaths respectively do present that Lawrence Amos, late of Marion County in the State of South Carolina, on the eleventh day of February, in the year of our Lord one thousand nine hundred and nineteen at Marion County, in the said State of South Carolina, in the said District, and within the jurisdiction of this Court, unlawfully did have in his possession and custody and under his control, a certain still and distilling apparatus set up, which said still and distilling apparatus was not regi-tered with the Collector of Internal Revenue of the District in which the said still and distilling apparatus was set up, as aforesaid, by subscribing and filing with the said Collector duplicate statements in writing, setting forth the particular place where such still and distilling apparatus was set up, the kind of still, its cubic contents, the owner thereof, his place of residence, and the purpose for which said still and distilling apparatus had been or was intended to be used, as required by law; contrary to the form of the Statute of the United States in such case made and provided, and against the peace and dignity of the United States.

Second Count, Sec. 3281, R. S. U. S.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present that Lawrence Amos, late of Marion County, in the State of South Carolina, on the eleventh day of February, in the year of our Lord one thousand, nine hundred and nineteen, at Marion County in the said State of South Carolina, in the said District, and within the jurisdiction of this Court was a dis-
12 tiller of spirits to wit whiskey, and unlawfully did carry on the business of a distiller of spirits, to wit, whisky, without having given bond, as required by law; contrary to the form of the Statute of the United States in such case made and provided, and against the peace and dignity of the United States.

Third Count, Sec. 3281, R. S. U. S.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present that Lawrence Amos, late of Marion County, in the State of South Carolina, on the eleventh day of February, in the year of our Lord, one thousand nine hundred and nineteen at Marion County, in the said State of South Carolina, in the said District, and within the jurisdiction of this Court, was a distiller of spirits, to wit, whiskey, and unlawfully did carry on the business of a distiller of spirits to wit: whiskey, with intent to defraud the United States of the tax imposed by law on the spirits, distilled by him, the said Lawrence Amos, contrary to the form of the Statute of the United States in such case made and provided, and against the peace and dignity of the United States.

Fourth Count, Sec. 3279, R. S. U. S.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present that Lawrence Amos, late of Marion County, in the State of South Carolina, on the eleventh day of February, in the year of our Lord, one thousand nine hundred and nineteen, at Marion County, in the said State of South Carolina, in the said District, and within the jurisdiction of this Court, unlawfully did work in a certain distillery, to wit, a distillery for the production of spirits, to wit whiskey, on the outside of which there was not placed and kept conspicuously a sign, exhibiting in plain and legible letters not less than three inches in length, painted in oil colors or gilded and of a proper and proportionate width, the name or firm of the distiller, with the words "Registered Distillery" as required by law; contrary to the form of the Statute of the United States in such case made and provided, and against the peace and dignity of the United States.

Fifth Count, Sec. 3296, R. S. U. S.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present, that Lawrence Amos, late of Marion County, in the State of South Carolina, on the eleventh day of February, in
13 the year of our Lord one thousand nine hundred and nineteen, at Marion County, in the said State of South Carolina, in the said District, and within the jurisdiction of this Court, unlawfully did remove and aid in the removal of certain distilled spirits, the exact quantity of the same being to the Grand Jurors aforesaid unknown, on which the tax had not been paid, as in that behalf required by law, to a place other than a distillery warehouse provided by law; contrary to the form of the Statute of the United States, in such case made and provided, and against the peace and dignity of the United States.

Sixth Count, Sec. 3296, R. S. U. S.

And the Grand Jurors aforesaid, upon their oaths aforesaid, do further present, that Lawrence Amos, late of Marion County, in the State of South Carolina, on the eleventh day of February, in the year of our Lord one thousand nine hundred and nineteen, at Marion County, in the said State of South Carolina, in the said District, and within the jurisdiction of this Court, unlawfully did conceal and aid in the concealment of certain distilled spirits, the exact quantity of the same being to the Grand Jurors aforesaid unknown, on which the tax had not been paid, as in that behalf required by law, and which said distilled spirits had been prior thereto removed to a place other than a distillery warehouse provided by law, contrary to the form of the Statute of the United States in such case made and provided, and against the peace and dignity of the United States.

FRANCIS H. WESTON,
United States Attorney.

Finding of the Grand Jury.

A true Bill.
JNO. B. GADSDEN,
Foreman Grand Jury.
March 4, 1919.

Plea.

The defendant, Lawrence Amos, upon arraignment pleads guilty, in open Court, this 8 day of March, 1919.

LAWRENCE AMOS.

14 *Minutes of Trial.*

United States District Court, Eastern District of South Carolina.

THE UNITED STATES OF AMERICA, Plaintiff,

versus

LAWRENCE AMOS, Defendant.

Saturday, March 8th, 1919.

This case having been called for trial, Mr. District Attorney F. H. Weston appeared for the Government; Mr. R. Dozier Lee appeared for the Defendant. The defendant in pro. per., upon arraignment, pleads not guilty in open court. Thereupon the following jury was duly empanelled and sworn, viz:—

B. H. Abbott, Foreman.
P. H. Tedder.
R. A. Walker.
W. C. Seagel.
Lee C. Israel.
W. O. Cain, Jr.
T. T. Truesdale.
G. W. Woodham.
J. D. Haselden.
Ralph Nebbitt.
B. R. Heyward.
W. L. Bennett.

The further hearing of this case continued to Monday morning.

Monday, March 10, 1919.

THE UNITED STATES OF AMERICA, Plaintiff,

versus

LAWRENCE AMOS, Defendant.

The hearing of this case resumed this day. Mr. Weston appears for the Government; Mr. Lee for the defendant. The defendant present, and the jury heretofore empanelled.

The following witnesses duly sworn and examined for the Government, viz:—P. J. Coleman, C. A. Rector; C. A. Rector, recalled.

Sworn and examined for the Defendant, viz:—Lawrence Amos and Willie Wright.

The hearing was then continued to tomorrow.

Tuesday, March 11th, 1919.

THE UNITED STATES OF AMERICA, Plaintiff,

VS.

LAWRENCE AMOS, Defendant.

The hearing of this case resumed this day.

Mr. Waring appears for the Government; Mr. Lee for the defendant.

The defendant present, and the jury heretofore empanelled.

The following witnesses duly sworn and examined for the Defendant, viz:—Jim Stukes, Alberta Stone, Lawrence Amos, recalled, and Harvey McFadden.

Argument by Mr. Waring for the Government, by Mr. Lee for the defendant, and by Mr. Waring in reply for the Government.

The Court then charged the jury, and they later returned into Court the following:

Verdict.

We, the jury, find the defendant guilty on the 5th and 6th Counts; not guilty on the other Counts, this 11th day of March, 1919.

B. H. ABBOTT,
Foreman.

Motion for New Trial.

Refused.

The Court thereupon imposed the following:

Sentence.

Whereupon, it is considered, ordered and adjudged by the Court that the defendant Lawrence Amos be imprisoned in the jail of Florence County for Three months and that he pay a fine of Two hundred dollars and costs of prosecution, and that he remain imprisoned in said jail until said fine and costs are paid or until he is otherwise discharged by law.

In open Court this 11th March, 1919.

HENRY A. M. SMITH,
U. S. Judge.

16 Filed May 6, 1919.

District Court of the United States for the Eastern District of South Carolina.

LAWRENCE AMOS, Plaintiff in Error,

against

THE UNITED STATES OF AMERICA, Defendant in Error.

Bill of Exceptions.

The Plaintiff in Error, Lawrence Amos, was indicted at the March Term, 1919, of the District Court for the Eastern District of South Carolina, at Florence, on an indictment charging a violation of Sections 3258, 3281, 3279 and 3296 of the Revised Statutes of the United States. Thereupon the case came on to be tried upon the 8th day of March, 1919, before the Court and a jury duly empanelled.

After the jury had been sworn but before any testimony was offered on behalf of the Government, counsel for the plaintiff in error submitted to the Court the following petition:

The District Court of the United States for the Eastern District of South Carolina, March Term, 1919, Florence, S. C.

UNITED STATES OF AMERICA

against

LAWRENCE AMOS, Defendant.

Petition to Return Private Property Unlawfully Seized.

Now comes the defendant and states that he is a citizen and resident of Clarendon County, State of South Carolina, and that he resides, owns and occupies a home at or near Paxville, in said County and State.

That on or about the 11th day of February, 1919, while defendant was absent at his daily and customary vocation, certain officers of the Government, to wit, P. J. Coleman and C. A. Rector, un-

17 lawfully and without warrant or authority so to do, forcibly entered the home of the defendant and the promises and buildings within his curtilage and then and there searched and seized certain property in said home and premises and outbuildings and this in violation of Sections Sixteen and Seventeen, Article One, of the Constitution of the State of South Carolina, and of the Fourth and Fifth Amendments to the Constitution of the United States.

That the property so unlawfully seized consists of a piece of piping, one-half inch in diameter and about five or six feet long, two half-pint or pint whiskey bottles, said to contain in part what is said to be

blockade whiskey but which in fact were empty at the time of said seizure, a grape juice quart glass bottle, said to contain blockade whiskey but the true contents of which are unknown to this defendant, and other property of said defendant.

That said property is being unlawfully and improperly held by the District Attorney, Marshal and Clerk of said Court, in violation of defendant's rights under the Constitution and amendments of the United States and of the State of South Carolina.

That said District Attorney intends and purposes to use said property above described or to offer testimony with respect thereto obtained from such unlawful entry, search and seizure, upon the trial of the above entitled cause and that by reason thereof and of the facts above set forth, defendant's rights under the Amendments aforesaid to the Constitution of the United States and the Sections of Article One aforesaid of the Constitution of the State of South Carolina, have been and will be violated unless this Court orders the return of said property or unless the District Attorney is not allowed to use the same upon said trial or to offer such testimony with respect thereto.

Wherefore defendant prays that said District Attorney
18 Marshal and Clerk be directed and required to return said property to this defendant, or that said District Attorney be denied the use of same in or as evidence or to offer such testimony upon said trial.

The above Petition was duly signed and sworn to by the defendant.

Upon a reading of said Petition by the Court and the hear- of the application the Court refused the prayer of said petition. This ruling was excepted to by Counsel for the plaintiff in error.

Thereupon the Government produced two witnesses, to wit:—

P. J. COLEMAN, Deputy Collector of Internal Revenue, testified that he with C. A. Rector, another Deputy Collector, went to the defendant's house; did not find defendant there, but found a woman who said she was the wife of defendant. He told her his business, that he was a revenue officer come to search the premises for violations of the revenue law. The woman came out and opened the store for witness, who entered; and in a barrel of peas, witness found a bottle containing not quite a half-pint of illicitly distilled whiskey; what witness called "blockade whiskey."

Witness then went into the house. The same woman told them they could search anywhere they wanted to, and on searching the house, he found two bottles under the quilt on the bed; one containing a full quart and the other a little over a quart of illicitly distilled or "blockade whiskey." This whiskey was in regular whiskey bottles, but was in fact unlawfully distilled whiskey. Witness offered in evidence a pint bottle containing whiskey; which bottle he stated was not one of the bottles found by him; but that the whiskey contained in the same was poured out of one of the two bottles that he had found in the defendant's house on the bed under the quilt as above stated.

Upon cross-examination, the witness stated that he had no

search warrant to search the house of the defendant, and the search made by him, when he found the whiskey, was
19 made in the daytime, without a search warrant, and during the absence of the defendant, who did not appear on the scene until after the search had been made.

The witness Coleman further testified that after the defendant was arrested, and whilst he was being conveyed for hearing before the United States Commissioner, defendant stated that he had tried to make some whiskey, but could not; and that the can he used for the purpose was about the place, and "if he went back and told his wife to give us the can, it was there and we could get it."

C. A. RECTOR, Deputy Collector of Internal Revenue, was also examined and testified that he was with Coleman, when the search was made, and corroborated the testimony of P. J. Coleman, that they were met by the woman, told her their business and told her they wanted first to look into the store, and she said "All right," and opened the door and after searching the store, they asked to go into the house and permission was granted; and corroborated the testimony of Coleman as to the whiskey that was found, and as to defendant's statements after arrest, when being conveyed for his hearing before the United States Commissioner.

He also corroborated the testimony of Coleman that they had no warrant for the arrest of the defendant or search warrant to search his house.

Upon the testimony of these witnesses as to search and the absence of any warrant either to arrest the defendant or to search his premises, counsel for the plaintiff in error moved that their testimony be stricken out as inadmissible; which motion was denied by the Court; and which ruling was duly excepted to by counsel for the defendant.

After all the testimony was in, the jury was charged, there being no exceptions to such charge and thereafter the jury returned a verdict of not guilty on the first, second, third and fourth counts and guilty on the fifth and sixth counts.

Thereafter a motion for a new trial was made and refused and the defendant was sentenced to imprisonment in the Flor-
20 ence County jail for a period of three months, together with a fine of Two hundred dollars and costs of the prosecution.

And said Bill of Exceptions is settled this 6th May, 1919.

HENRY A. M. SMITH, [Seal.]
U. S. District Judge.

21 Filed March 18, 1919.

In the District Court of the United States for the Eastern District of South Carolina, March Term, 1919, Florence, South Carolina.

LAWRENCE AMOS, Plaintiff in Error,

vs.

THE UNITED STATES OF AMERICA, Defendant in Error.

Assignments of Error.

It is respectfully Submitted:

1. That his Honor erred in refusing to grant the Petition of the Plaintiff in Error to return private property unlawfully seized when said petition was presented to the Court after the jury was sworn, but before any testimony was offered on the part of the Government, and when it appeared from the records of said Court in said case that the property so seized had been obtained by Revenue Officers of the Government during the search of the plaintiff's home and buildings within his curtilage, during the absence of the defendant, without having in their possession a search warrant describing the place to be searched and the property to be searched for; it being respectfully submitted that such procedure on the part of the officers of the Government was in violation of the rights of the plaintiff in error as guaranteed to him by the Fourth and Fifth Amendments of the Constitution of the United States, and in violation of Sections Sixteen and Seventeen of Article One of the Constitution of the State of South Carolina; it being respectfully submitted that said petition was presented to the Court within time.

2. That his Honor erred in admitting the testimony of the witnesses for the Government, to wit:—P. J. Coleman and C. A. Rector, over the objection of the plaintiff in Error when it appeared that their testimony was obtained by them in a search of the home and buildings within the curtilage of the Plaintiff in Error during his absence, and without a search warrant or other authority, describing the places to be searched and the property to be searched for;
22 it being respectfully submitted that such testimony was in violation of the rights of the Plaintiff in Error guaranteed to him by the Fourth and Fifth Amendments of the Constitution of the United States and by Sections Sixteen and Seventeen of Article One of the Constitution of the State of South Carolina.

3. That his Honor erred in refusing the motion of the Plaintiff in Error to strike from the record of the case the testimony of the witnesses for the Government, to wit:—P. J. Coleman and C. A. Rector, after they had testified on cross examination that the testimony offered by them relating to parts of a still, mash, and spent

beer and three bottles of contraband or blockade whiskey was property and evidence obtained by them in a search of the home of the Plaintiff in Error, and of the outbuildings within his curtilage, during his absence, without a Search Warrant, or other authority, describing the place or places to be searched and the property to be searched for; it being respectfully submitted that such testimony was inadmissible and in violation of the rights of the Plaintiff in Error guaranteed to him by the Fourth and Fifth Amendments to the Constitution of the United States and of Sections Sixteen and Seventeen, Article One of the Constitution of the State of South Carolina.

LEE AND MOISE,
Attorneys for the Plaintiff in Error.

23 *Stipulation for Clerk to Prepare Record.*

Filed May 6th, 1919.

In the District Court of the United States for the Eastern District of South Carolina.

LAWRENCE AMOS, Plaintiff in Error,

versus

THE UNITED STATES OF AMERICA, Defendant in Error.

It is hereby stipulated and agreed that the Clerk of this Court shall make up a transcript of the record in the above styled cause, and transmit the same to the clerk of the United States Supreme Court at Washington, D. C.

LEE AND MOISE,
Counsel for Plaintiff in Error.
FRANCIS H. WESTON,
U. S. Attorney,
Counsel for Defendant in Error.

May 6th, 1919.

24 *Memorandum.*

Petition for Writ of Error filed March 18, 1919.
Order allowing same, filed March 18, 1919.
Writ of Error issued and filed March 18, 1919.
Copy lodged for adverse party March 18, 1919.
No bond for costs.
Citation filed March 18, 1919.
Service upon Attorney General United States, March 28, 1919.

Clerk's Certificate.

UNITED STATES OF AMERICA,
Eastern District of South Carolina:

In the District Court.

I, Richard W. Hutson, Clerk of the District Court of the United States for the Eastern District of South Carolina, do hereby certify that the foregoing is a true copy of the records and proceedings in the case of The United States, plaintiff, versus Lawrence Amos, defendant, together with all papers relating to the same, as agreed upon by counsel, and as appears by the records now on file in my office.

Given under my hand and seal of said Court at Charleston, S. C., in said District, this 19th day of May, Anno Domini, 1919.

[Seal United States District Court, Eastern District So. Ca.]

RICHARD W. HUTSON,
Clerk U. S. D. C., E. D. S. C.

Endorsed on cover: File No. 27,142. E. South Carolina D. C. U. S. Term No. 388. Lawrence Amos, plaintiff in error, vs. The United States of America. Filed May 31st, 1919. File No. 27,142.